UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

SHEDDRIC L. WOODS,

        Movant,

v.   CIVIL ACTION NO. 2:16-05720
                                      (Criminal No. 2:97-00117)

UNITED STATES OF AMERICA,

        Respondent.

O R D E R

        On June 15, 2018, the court entered a Judgment Order
denying the above-named movant/defendant's motion under 28
U.S.C. § 2255, from which order the appeal period expires on
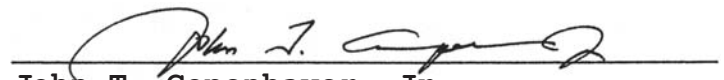August 14, 2018.

        The defendant began a five-year term of supervised
release on February 2, 2018. On May 22, 2018, a petition was filed
seeking revocation of the defendant's supervised release. On June
25, 2018, a motion to determine defendant's competency was filed in
the supervised release proceeding. On July 3, 2018, the court
entered an order in that proceeding for psychiatric and
psychological studies that are scheduled to be completed and
reports received on August 17 and 31, 2018, respectively.

On July 10, 2018, in the 28 U.S.C. § 2255 proceeding, the defendant filed his Motion to Withdraw Judgment Order Pending Determination of Competency. The purpose of the motion is to eliminate the prospect of the running of the appeal period above noted during the time when the defendant's competency is under study. On August 10, 2018, the United States filed its response to the defendant's request stating that it has no objection to the withdrawal of the Judgment Order in the Section 2255 proceeding.

It appearing appropriate to withdraw the Section 2255 Judgment Order pending resolution of the defendant's competency, it is ORDERED that the Judgment Order entered in the Section 2255 proceeding on June 15, 2018, be, and it hereby is, set aside and vacated. Once defendant has been found in the supervised release proceeding to be competent or once competency is restored, as the case may be, the judgment now being vacated and set aside will again be entered.

The Clerk is directed to forward copies of this order to the defendant and all counsel of record.

DATED: August 13, 2018

John T. Copenhaver, Jr.
United States District Judge